

## 26<sup>th</sup> CIRCUIT COURT

MICHAEL G. MACK  
CHIEF JUDGE

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ALPENA, MI 49707  
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ALPENA COUNTY  
MONTMORENCY COUNTY

November 7, 2011

**TO: Rep. John J. Walsh, Chair  
Committee on Judiciary**

**RE: HB 5094**

**Greetings:**

The undersigned, and many in the community, are absolutely opposed to the reduction of a judge in the 26<sup>th</sup> Judicial Circuit that serves the counties of Alpena and Montmorency. It is represented that such a reduction will save the State of Michigan approximately seven to eight million dollars, aggregately, for the judicial reduction in the whole state. However, although the State may save money, the taxpayers do not. It is just a diversion of the tax burden to another entity, *i.e.*, the respective county.

More specifically, the Constitution of the State of Michigan requires that the judiciary render service to the public in a timely way. A reduction of judges extends that time period where justice can be rendered appropriately and timely. The courts will then have to respond by attempting to meet the constitutional expectation of timeliness by hiring referees or other quasi-judicial officers. The difficulty is that the counties bear the expense of hiring, maintaining, and training the new, and required, quasi-judicial officers (*i.e.*, referees). Thus, the taxpayers do not save nearly the amount of money that the advocates for the proposed legislation represent.

Another negative effect in the elimination of judges is the restriction of their time to develop and manage effective programs that are proven to reduce recidivism rates in the state of Michigan. In effect, the judge is relegated to only "after-the-fact" scenarios.

The data upon which the legislation is based is partially flawed in that the 26<sup>th</sup> Judicial Circuit was slated as having the presence of many more "*quasi-judicial officers*" than it in reality has.

In summary, the reduction of a judge in the 26<sup>th</sup> Judicial Circuit is a reduction of 25 percent of judicial availability to the people of Alpena County and Montmorency County, extends the time period upon which decisions can be made, reduces the ability of the judge to develop effective

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programs, an increase in recidivism rates, and no real cost savings to the taxpayer but, rather, a cost shifting at best.

For the above reasons, the judges of the 26<sup>th</sup> Circuit, and other citizens in the affected counties, oppose the legislation and the reduction of a judge in the 26<sup>th</sup> Judicial Circuit.

Sincerely,



**Hon. Michael G. Mack**  
**Chief Judge**  
**26<sup>th</sup> Judicial Circuit Court**



**Hon. Thomas J. LaCross**  
**Alpena County Probate Judge/**  
**26<sup>th</sup> Circuit Family Division Judge**

**pc: Representative Peter Pettalia**  
**Senator John Moolenaar**  
**Alpena County Board of Commissioners**  
**Montmorency County Board of Commissioners**